

A RESOLUTION

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BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF *SHANNON WALLS V. THE CITY OF ATLANTA, et al.*, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, CIVIL ACTION FILE NO. 1:04-CV-3662-GET, IN THE AMOUNT OF \$65,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Shannon Walls v. The City of Atlanta, et al.* is a case in which the Plaintiff, Shannon Walls, is suing for personal injuries received when he was struck in the face with an ASP baton by Atlanta Police Officer Craig A. Schmidt, for assault and battery, false arrest and imprisonment, malicious prosecution, emotional distress, negligent hiring, and for deprivation of his constitutionally protected rights; and

WHEREAS, Plaintiff has alleged that he was arrested without probable cause following his encounter with Officer Schmidt, and that he was deprived of his rights secured by the United States Constitution; and

WHEREAS, Plaintiff, as a result of being struck by Officer Schmidt, suffered a disabling, irreparable injury to his left eye; and

WHEREAS, the parties have engaged in extensive discovery, as a result of which it was determined that Plaintiff has incurred medical expenses to date, and his eyesight has suffered a permanent disability; and

WHEREAS, the Plaintiff is willing to settle all claims against Officer Schmidt, Chief Richard Pennington, and The City of Atlanta in this case for sixty-five thousand dollars (\$65,000.000) an amount that includes all costs and attorney's fees, including a dismissal with prejudice as to all claims against the City, Chief Pennington, and Officer Schmidt; and

WHEREAS, the City Attorney recommends this settlement because it is in the best interests of the City;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the City Attorney is hereby authorized to conclude the settlement of all claims of Shannon Walls against Officer Craig Schmidt, Chief Richard Pennington, and the City of Atlanta, as set forth in Civil Action File No. 1:04-CV-3662-GET, in the United States District Court for the Northern District of Georgia, for the aggregate amount of sixty-five thousand dollars (\$65,000.000), including execution of settlement documents;

SECTION 2. That the Chief Financial Officer is authorized to pay to Shannon Walls and his attorney Tony A. Axam, the total sum of \$65,000.00, which shall be paid from **Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non Departmental).**